

ORDINANCE NO. 09-59

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA EXTENDING A BUILDING AND ZONING MORATORIUM ON THE ACCEPTANCE OF ZONING APPLICATIONS, VARIANCE AND SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS, AND ON PROVIDING ZONING APPROVALS OF LICENSE APPLICATIONS, ALL IN CONNECTION WITH APPLICATIONS FOR NEW PAWNSHOPS OR APPLICATIONS FROM EXISTING BUSINESSES FOR PAWNSHOPS, FOR AN ADDITIONAL 30 DAYS COMMENCING ON SEPTEMBER 8, 2009, THE DAY FOLLOWING THE END OF THE FIRST MORATORIUM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Ordinance 08-93 (Dec. 11, 2009), the City Council declared a 270-day building and zoning moratorium on the acceptance of zoning applications, variance and special and conditional use permit applications and on providing zoning approvals of license applications in connection with new pawnshops or existing business for pawnshops; and

WHEREAS, at the time of the declaration of the moratorium, City of Hialeah determined that it would be inimical and detrimental to the health, safety, welfare of the community and orderly development and planning in the City to allow continued zoning and further construction of new pawnshops and licensing new pawnshops or pawnshop activity in existing businesses until an automated reporting system is functioning and tested so that the police department has proper investigative tools and resources to effectively monitor activities of pawnshops and curtail criminal activity pursuant to Hialeah Code § 14-6; and

WHEREAS, Police Chief Mark N. Overton issued a new Report on the subject of pawnshops, including a discussion of the unanticipated difficulties arising out of the implementation of an automated computerized reporting system and the need to purchase new software so as to achieve compatibility with business owners; and

WHEREAS, for the same reasons, the City finds that it is in the best interest of the health, welfare and safety of the community and its orderly development and use to extend the building and zoning moratorium as described herein for an additional 30 days.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance is hereby adopted and incorporated herein by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby declares a moratorium on the acceptance of zoning applications, variance and special and conditional use applications, and on providing zoning approvals of license applications for new pawnshops or applications from existing businesses for pawnshops, for an additional 30 days commencing on September 8, 2009, the day following the end of the first moratorium.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

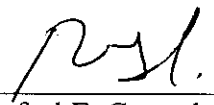
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 25th day of August, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

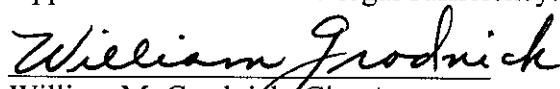
Approved on this 26th day of August, 2009.


Rafael E. Granado, City Clerk


Carlos Hernandez
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".